



Division of Agricultural Conservation & Technical Assistance

Agricultural Climate Resiliency & Efficiencies (ACRE) Program

Fiscal Year 2018
(July 1, 2017 to June 30, 2018)

Request for Response (RFR): RFR File: ACRE-18

For the implementation of
projects that address the agricultural sector's
vulnerability to climate change, improve economic resiliency,
and advance the general goals identified in
the Massachusetts Local Action Food Plan

Applications must be delivered to MDAR's Boston office by 4:00 PM on December 5, 2017 or received in the Boston office with a postmark dated on or before December 5, 2017.

Contact: Laura J. Maul
Telephone: 617-626-1739
Email: laura.maul@state.ma.us



Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114

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EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Matthew A. Beaton, Secretary
Grant Announcement
RFR ID: RFR-ACRE-FY2018
Dated: October 27, 2017

Agricultural Climate Resiliency & Efficiencies (ACRE) Program

GRANT OPPORTUNITY SUMMARY:

- A. Proposals Sought For: The Massachusetts Department of Agricultural Resources (“MDAR”) invites responses from Massachusetts farmers who raise and sell agricultural products who wish to participate in the Agricultural Climate Resiliency & Efficiencies (ACRE) Program. This program provides reimbursement funding to agricultural operations for the implementation of practices that address the agricultural sector’s vulnerability to climate change, improve economic resiliency and advance the general goals identified in the Massachusetts Local Action Food Plan.
- B. Overview and Goals: To provide reimbursement directly to agricultural operations that implement eligible projects that reduce the impacts of agriculture on climate change and enhance the economic resiliency of agricultural operations to projected climate conditions.
- C. Eligible Projects: Agricultural projects that meet ACRE requirements that work towards reducing greenhouse gas (GHG) emissions and increase carbon sinks, and/or increase agricultural water use efficiency, availability and storage (See further detail on eligible projects in section 2B).
- D. Eligible Applicants: Agricultural operations engaged in production agriculture for commercial purposes as defined by Massachusetts law M.G.L. Chpt. 128, Section 1A (See further detail on eligible applicants in section 2A).
- E. Application Deadline: Applications must be delivered to MDAR’s Boston office by 4:00 PM on December 5, 2017 or received in the Boston office with a postmark dated on or before December 5, 2017.
- F. Funding Availability: **(See further detail on deadlines and grant program calendar in section 4).** Total anticipated amount of funding is \$500,000. Maximum funding amount is \$50,000 per applicant or 80% of total project costs. (See further detail on Funding Availability in section 2C).
- G. Match Requirement: Minimum of 20% of total project costs including materials and labor. (See further detail on the match requirement in section 2D).
- H. Total Anticipated Duration of Contract: July 1, 2017 to June 30, 2018. (See further detail on anticipated duration of contract(s) in section 2F).
- I. Contact Information:

Laura J. Maul
Department of Agricultural Resources
251 Causeway Street, Ste 500,
Boston, MA 02114
(617) 626-1739

Laura.Maul@state.ma.us
<https://www.mass.gov/service-details/agricultural-climate-resiliency-efficiencies-acre-program>

1. BACKGROUND AND PURPOSE

The Massachusetts Department of Agricultural Resources (MDAR) requests proposals for a competitive grant process for the 2018 Agricultural Climate Resiliency & Efficiencies (ACRE) Program (“Program”).

The Program is part of the Baker-Polito Administration’s Executive Order 569, “Establishing an Integrated Climate Change Strategy for the Commonwealth.” Executive Order 569 is an integrated strategy to continue reducing emissions under the Global Warming Solutions Act, build resiliency in cities and towns, and direct new efforts to work across state government in each Executive Office. The Program is also intended to help address general goals of the Massachusetts Local Action Food Plan.

The goal of the Program is to ensure the economic resiliency of Massachusetts agriculture to climate change by addressing vulnerabilities of agricultural operations to expected impacts from climate change. These impacts will result from more frequent and severe storm events, increased precipitation followed by periods of drought, higher overall temperature and increased evaporation rates. The Program provides incentives to Massachusetts agricultural operations for practices that help farmers mitigate their impacts on climate change and also adapt to changing climate conditions. By providing financial incentives to Massachusetts growers for practices that that work towards improving soil health, reducing greenhouse gas (GHG) emissions, and sequestering carbon, Massachusetts farms will work towards the first objective of mitigating climate change. The Program will also provide financial incentives to allow agricultural operations to proactively address risks and strengthen their economic and environmental resiliency as they adapt to the changing climate. Proposals that address both mitigation and adaptation in their proposals will be prioritized in funding.

2. PERFORMANCE & CONTRACT SPECIFICATIONS

A. Eligible Applicants:

Eligible Applicants	<ul style="list-style-type: none"> Massachusetts agricultural operations located within the Commonwealth and engaged in commercial agriculture as identified in Massachusetts General Laws Chapter 128. Sec. 1A. Awards are limited to one per agricultural operation using a unique tax identification number per round of funding. Priority will be given to applicants who are established in commercial agriculture and whose primary source of income is derived from the agricultural operation and that do not anticipate any change in ownership within the next five years. Applicants who can demonstrate that the proposed project is allowed under local zoning ordinances and/or bylaws.
Leased Land	<ul style="list-style-type: none"> If leasing land, applicants must have a written lease agreement from the landowner. A lease agreement must demonstrate a long-term, legal right to use the property by the applicant. This typically means a lease agreement for not less than three (3) years. The proposed project must also be allowed under the terms of the lease agreement. The applicant should provide a copy of the lease with the application. The applicant and the landowner must both sign the application.
Size of Operation	<ul style="list-style-type: none"> There is no minimum acreage requirement; however projects that demonstrate being cost effective relative to greenhouse gas mitigation and/or adaptation benefits are more likely to receive funding.
Conservation Plan	<ul style="list-style-type: none"> Providing a Conservation Plan is optional, however, applications that include a Conservation Plan that has been completed within the last five years will receive additional points during the review.

Locator Maps	<ul style="list-style-type: none"> Proposals should include a map with the property boundaries drawn and the exact location of the project described in the application.
Agricultural Preservation Restriction (APR) Applicants	<ul style="list-style-type: none"> APR applicants must obtain all approvals required under their APR and must be in compliance with the terms of the APR or resolve any outstanding compliance or legal issues with the Department prior to submitting their proposal. Documentation should be included with this proposal to be considered for funding. If applicable, applicant must obtain all approvals required under their APR. A grant award does not guarantee an APR certificate of approval.
Ineligible Proposals	<ul style="list-style-type: none"> Proposals from applicants who are out of compliance with any federal, state or local laws or regulations. Proposals from applicants that are not engaged in commercial agriculture. Agricultural operators should apply but landowners must sign the application. Labor costs for work performed by the applicant or farm employees of the applicant in completing the proposed project is not an eligible reimbursement expense. Proposals for projects that have already been initiated or completed for which the applicant seeks reimbursement.

B. Eligible Projects:

Though all agricultural projects that meet the Program requirements will be considered, examples of practices are listed in their respective categories.

Tools to help growers measure and understand on-farm greenhouse gas emissions can be found at: <https://app.coolfarmtool.org/> and <http://www.comet-planner.com/>

Soil Health	<ul style="list-style-type: none"> No Till Equipment - including: no-till drills, deep zone till units, roller crimper, heavy down pressure springs, no-till coulters, row cleaners, no-till planters, high-residue cultivator, no-till transplanter
Water Management	<ul style="list-style-type: none"> Irrigation Engine Replacement – must meet current EPA Tier 4 Standards, old engine must be taken out of use (can not be resold or used as back-up) Irrigation efficiencies/micro-irrigation Solar Irrigation Pumping Soil moisture sensors/monitoring Automated Irrigation Systems Agricultural pond repair/retrofit Agricultural pond sediment removal Agricultural water collection and reuse (including storage tanks, pumps, water control structures) Agricultural water supply well: constructing a drilled, driven or dug well to supply water from an underground source of irrigation for agricultural use
Energy Resiliency	<ul style="list-style-type: none"> Solar Water Pumping Systems – with battery storage, both off-the grid, and grid-tied Addition of battery storage and inverter to existing photovoltaic systems (PV) to enable emergency electrical use

C. Evaluation Criteria: Each response will be scored using the following measures:

- Capacity to decrease GHG emissions, which must be estimated and/or described in detail.
- Project increases farm resiliency to changing climate impacts. Proposal addresses risks due to climate change (increased flooding, more frequent droughts, more severe storms, and overall increased precipitation) and proposes methods of reducing their negative impact on the farm operation and local environment.
- Proposal must define what is to be done, how it will be done, who will do it, and when it will be done. This includes identifying key personnel, equipment and timeline for implementation.
- The project is cost effective relative to greenhouse gas mitigation and/or adaptation benefits.
- Project identifies other environmental benefits including soil conservation, water quality improvements, and/or increase in biodiversity.
- Project outlines a plan for any on-going operation and maintenance and/or any periodic replacement needs and how they will be accomplished to ensure project longevity.
- Adequate supporting project documentation in the form of project specific assessment calculations, contractor quote(s), and a map with the property boundaries drawn and the exact location of the project described in the application.

Bonus Points will be awarded for the following:

- Where applicable, applicants that include proof of their NRCS Conservation Plan which was developed in the past five years will receive additional points in the review.
- Proposals that clearly address both adaptation and mitigation will be a priority for funding.
- For no-till equipment, priority will be given to proposals that involve seeding cover crops and indicate a commitment to continue cover cropping for a minimum of five years.

D. Funding Availability, Budgeting Guidelines & Allowable Expenditures

Maximum Reimbursement	Each applicant must submit a proposal and budget requesting not more than \$50,000 in ACRE grant funding. If grant funding is available, the Department may increase the maximum threshold at its discretion. Applicants who provide quotes from a vendor or contractor with their application will receive a higher evaluation.
Projects Subject to Limited Funding	No-till equipment is subject to a maximum of \$30,000 per applicant. Priority will be given applications that involve seeding cover crops.
Appropriation	All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. The Department may lift the suspension if available funding is received. In the absence of foreseeable available funding, The Department may terminate the contract.

E. Match Requirements	
Match	Cost sharing must be demonstrated for 20% of the anticipated practice costs. Cost sharing must be in the form of matching funds in terms of a dollar amount committed to the project from the applicant. An in-kind contribution in terms of the estimated dollar value of any time, property, or supplies donated towards the practice will not be allowed as the required match towards the practice.
F. Project Terms	
Terms	If awarded, all projects will be required to execute and abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. No project may commence until a contract has been executed by all parties.
Field Visits	<p>All projects which are favorably reviewed in the initial evaluation process may require a field visit prior to final award determinations being made. A favorable initial evaluation and field visit DOES NOT guarantee funding for a proposed project. The purposes of the field visit are as follows:</p> <ul style="list-style-type: none"> • To verify the information that is presented in the proposal; • View the agricultural operation and assess the resource to be addressed; • Verify that the operation is engaged in commercial agriculture; • Determine the appropriateness of the practice proposed for the farm; • Confirm the ability to implement and maintain the practice; • To explore other items deemed necessary, and • Develop a basis for future “before and after” comparisons. <p>Department staff may modify the scope of the proposed project to more effectively achieve environmental goals.</p>
G. Anticipated Duration of Contracts	
Duration	All projects must be completed by June 30, 2018, with no options for extensions.
H. Deliverables, Ownership, and Credit Due	
Installation Standards & Permits	<p>ACRE funded projects must use USDA-NRCS Standards and Specifications for installation standards when receiving funding from both NRCS and ACRE, or when required by the Department.</p> <p>Proposals which are favorably reviewed and awarded a contract must apply for and receive all required permits, licenses, and any other federal, state, or local approvals necessary for the project prior to any reimbursement from the Department.</p> <p>All construction shall be completed and installed in accordance with all applicable federal, state and local codes, ordinances and regulations.</p> <p>The funded contractual activity will be evaluated prior to full reimbursement. Work will be evaluated for satisfactory completion and compliance to standards. Spot inspections may be conducted at the Department’s discretion on all work for the life of the project. Only work that satisfies the terms and conditions of this RFR, contract, and any other instructions by the Department shall be eligible for reimbursement.</p>

I. Reporting	
Reporting	The Department will periodically check on the progress of awarded projects to ensure they will meet completion deadlines.
J. Invoicing	
Invoicing	<p>Disbursement of funds under this RFR will be done on a reimbursement basis and will require that acceptable documentation be submitted to the Department prior to any payment. Only expenses incurred during the period of the contract are eligible for reimbursement. Any incurred project costs that occur prior to an executed contract are NOT eligible for reimbursement from the Department.</p> <p>Satisfactory documentation in the form of cancelled checks, receipts, invoices, etc. for costs associated with approved projects must be dated prior to the June 30, 2018 deadline, submitted to the Department and approved prior to reimbursement.</p>

3. INSTRUCTIONS FOR APPLICATION SUBMISSIONS

A. Application Submission Instructions:

A proposal form is attached and must be completed and mailed/delivered to the Department by the response date deadline. Applications that are sent by fax or electronically will NOT be accepted.

Please do not staple or put the application in a binder.

Responses must be received in MDARs Boston office by 4:00 PM on December 5, 2017

or received with a postmark of December 5, 2017

All materials must be sent to the attention of:

Laura J. Maul

Program Coordinator

Department of Agricultural Resources, Suite 500

251 Causeway Street, Boston, MA 02114

B. Additional Required Documentation:

If selected, the Respondent will be required to submit the following forms to complete the contract:

- Commonwealth Standard Contract Form, filled out and signed by the Respondent
- AGR Scope and Budget Form
- Commonwealth Terms and Conditions filled out by and signed by the Respondent*
- Commonwealth W-9 tax information form filled out and signed by the Respondent*
- Completed Contractor Authorized Signature Verification Form
- Completed Electronic Funds Transfer Form

* If not already on file

These forms do not need to be completed as part of the response. Assistance to complete these forms will be provided to Respondents selected to participate in the Program. These forms are available for review at www.mass.gov/osd or by request.

4. DEADLINES AND PROCUREMENT CALENDAR

Release of RFR:	Friday, October 27, 2017.
Information Sessions:	None. Please direct questions to Laura Maul at 617-626-1739.
Application Due Date:	Applications must be delivered to MDAR's Boston office by 4:00 PM on December 5, 2017 or received in the Boston office with a postmark dated on or before December 5, 2017.
Estimated Award Date:	Awards are estimated to be announced on January 5, 2018.
Estimated Contract Start Date:	January 15, 2018. Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form.

5. MISCELLANEOUS

A. Type of Procurement:

- Grant

B. Use of This Procurement by Single or Multiple Departments:

- This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by AGR.

C. Request for Single or Multiple Contractors:

- Single

D. RFR Distribution Method:

- This RFR has been distributed by the Department's Farm and Market Newsletter, posted to the program's website at www.mass.gov/agr, and by a distribution list of requested applicants.
- This RFR has been distributed electronically via CommBuys. It is the responsibility of every Applicant to check CommBuys for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files.
- Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

E. List of Attachments:

- A. Application Form
- B. RFR Required Specifications

ATTACHMENT A**Official Use Only**

Date Received: _____

Received By: _____

AGRICULTURAL (ACRE) PROGRAM (FISCAL YEAR 2018)**1. Agricultural Operation Information:**

Farm Name

Applicants Name

☐ Owner☐ Operator

Legal Structure

☐ Sole Proprietor ☐ Corporation ☐ Partnership ☐ LLC ☐ Other _____

Mailing Address

City, State, Zip

Home Phone

Mobile Phone

E-mail

County

How did you hear about the program?

☐ Website☐ Word of Mouth☐ Workshop☐ Other: _____**2. Site Address for Operation (if different from above):**

Site Address

City, State, Zip

3. Basic Farm Information:

I am a farmer as identified in Massachusetts General Laws Chapter 128. sec.1A

☐ Yes ☐ No

Farm Purpose:

☐ Primary Enterprise☐ Secondary Enterprise

What are your estimated sales?

☐ \$0 - \$24,999☐ \$24,999 - \$249,999☐ \$250,000 - \$499,999☐ \$500,000 or more

Are you a new farmer (5 years or less)

☐ Yes ☐ No

Do you rent or lease the land where the project is proposed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you have a lease in writing for the land where this project takes place?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What year does the lease end?	<input style="width: 150px;" type="text"/>
Who is the owner of the property (owner must sign the application)?	<input style="width: 150px;" type="text"/>
Do you anticipate any major modifications on your farm within the next five years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please check the appropriate boxes:	
<input type="checkbox"/> Business Structure <input type="checkbox"/> Operation Type <input type="checkbox"/> Expansion <input type="checkbox"/> Diversification <input type="checkbox"/> Retirement <input type="checkbox"/> Sale <input type="checkbox"/> Subdivide	
4. Agricultural Operation Details:	
Type of Operation: <input type="checkbox"/> Produce <input type="checkbox"/> Beef <input type="checkbox"/> Dairy <input type="checkbox"/> Greenhouse <input type="checkbox"/> Nursery <input type="checkbox"/> Cranberry <input type="checkbox"/> Horses <input type="checkbox"/> Vineyard <input type="checkbox"/> Sheep/Goats <input type="checkbox"/> Livestock Other <input type="checkbox"/> Other _____	
Acreage:	Owned :
Rented:	Acreage to be Automated:
Cropland	<input style="width: 100px;" type="text"/>
Grazed Land	<input style="width: 100px;" type="text"/>
Permanent Hay Land	<input style="width: 100px;" type="text"/>
Forested Land	<input style="width: 100px;" type="text"/>
Crops Grown	<input style="width: 250px;" type="text"/>
Livestock Type(s) and number(s)	<input style="width: 250px;" type="text"/>
Natural Resource Conservation Service (NRCS) Details:	
My operation has a written and updated conservation plan from MACD/ NRCS (within the last five years) for the land where this practice is proposed. <input type="checkbox"/> Yes <input type="checkbox"/> No	
Year conservation plan was created/updated	MACD/NRCS Contact Person <input style="width: 150px;" type="text"/>
My operation has applied or received financial assistance from an NRCS funding program for this proposed project? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, which program and date? <input style="width: 200px;" type="text"/>	

5. Participation in Agricultural Resources Programs:

- a. This farm has an Agricultural Preservation Restriction (APR). If yes, please answer the questions below and list the name of farm and the year the restriction was recorded. A copy of Attachment C: APR Documentation should be included with a copy of this application. ☐ Yes
☐ No

Will this project be implemented on APR restricted land?

☐ Yes
☐ No

Will this project require a Certificate of Approval (COA) from the APR Program?

☐ Yes
☐ No

Year APR Recorded

Name on APR Restriction

6. Project Details: Attach additional pages if necessary.**Project Title:**

Concisely describe the project in 15 words or less

Section 6A:**Overview of Business**

Please provide a brief description of your agricultural operation including crops grown and livestock raised.

Section 6B: Project Mitigation Benefits	<p>Please describe the potential of the project to decrease greenhouse gas emissions and increase carbon sinks. Estimate greenhouse gas emission reductions and carbon sinks achieved through the proposed project. Include the amount of acres that will be covered under the proposed project. If there is an anticipated reduction in fuel use as a result of implementing the proposed project, estimate the reduction of fuel use. If there is an anticipated reduction in nitrogen fertilizer use as a result of implementing the proposed project, estimate the amount of reduction. If there are any other methods being used on the farm to reduce emissions, increase carbon sinks, or a renewable energy source for on-farm use, please describe them.</p>

Section 6C: Project Adaptation Benefits	Please describe the potential of the project to increase farm resiliency. If the farm has been impacted by flooding, and/or periods of drought, please describe their impact. If your proposed project includes a system for storing water, please list the total capacity of the proposed storage. Please describe the farm's commitment to emergency management and preparedness.
Section 6D: Project Need	Please summarize the need for the project, describe the goals and outcomes, and present a plan for evaluating and measuring the success of the project.
Section 6E: Project Timeline	Please provide a timeline for implementation of this project should your project be selected for funding.

Section 6F: Contingencies & Permits	If applicable, provide a list of all necessary permits and when they will be secured for the project.
Section 6G: Operation & Maintenance	If applicable, provide operation and maintenance necessary to maintain equipment
Section 6H: Warranties	If applicable, provide a list of all project warranties and guarantees

7. Budget:

ACRE may reimburse applicants for the costs of a project up to a maximum of 80%, with a 20% minimum contribution towards the project coming from the applicant. The Department has the option to negotiate the budget before entering into a contract with the applicant. Preliminary budgets are acceptable for the evaluation process but upon request applicants must receive quotes from vendors or contractors before a contract will be given. The Department will decide if an applicant has adequately addressed this requirement.

Project	Description	Qty	Unit	Unit Price		
				\$ Labor	\$ Materials	\$ Subtotal
Example: Fencing	High Tensile Smooth Wire (4,000 ft)	1	Each	\$ 0.00	\$ 109.99	\$ 109.99
				\$	\$	\$
				\$	\$	\$
				\$	\$	\$
				\$	\$	\$
				\$	\$	\$
				\$	\$	\$
				\$	\$	\$
				\$	\$	\$
TOTALS				\$	\$	\$

Total Project Costs:	\$
Eligible Project Costs (80% of Total Project Costs):	\$
Contribution from NRCS Funded Projects:	\$
Eligible Project Costs minus Contribution from NRCS Funded Projects:	\$
Total Dollars Requested for Funding Through ACRE: (Request cannot be greater than \$50,000 or 80% of Total Project Costs)	\$

8. Attestation:

By signing this application you attest all statements herein are accurate and true. You also give permission to have a site visit by MDAR staff which will be necessary before a funding decision is made. All site visits will be arranged with you in advance.

Owner Signature: _____ Date: _____

Print Name: _____

Attachment B

RFR - Required Specifications

Issue Date:
March 24, 2015

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Other terms not defined elsewhere in this document may be defined in OSD's [Glossary of Terms](#). Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, " *Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

COMMBUYS Market Center. COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at www.commbuys.com. Information contained in this document and in COMMBUYS, including file attachments, and information contained in the related Bid Questions and Answers (Q&A), are all components of the Bid, as referenced in COMMBUYS, and are incorporated into the Bid and any resulting contract.

Bidders are solely responsible for obtaining all information distributed for this Bid via COMMBUYS. Bid Q&A supports Bidder submission of written questions associated with a Bid and publication of official answers.

It is each Bidder's responsibility to check COMMBUYS for:

- Any amendments, addenda or modifications to this Bid, and
- Any Bid Q&A records related to this Bid.

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Quote based on an out-of-date Bid or on information received from a source other than COMMBUYS.

COMMBUYS Subscription. Bidders may elect to obtain a free COMMBUYS Seller subscription which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, in order to respond to a Bid, Bidders must register and maintain an active COMMBUYS Seller subscription account.

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

The COMMBUYS system introduces new terminology, which bidders must be familiar with in order to conduct business with the Commonwealth. To view this terminology and to learn more about the COMMBUYS system, please visit the [COMMBUYS Resource Center](#).

Multiple Quotes. Bidders may not submit Multiple Quotes in response to a Bid unless the RFR authorizes them to do so. If a Bidder submits multiple quotes in response to an RFR that does not authorize multiple responses, only the latest dated quote submitted prior to the bid opening date will be evaluated.

Quote Content. Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. Similarly, Executive Order 546 established the Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) Program to encourage the participation of businesses owned and controlled by service-disabled veterans in all areas of state procurement and contracting, thereby including them in the SDP. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs and/or SDVOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs and/or SDVOBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP commitment, expressed as a percentage of contract revenues, is approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified M/WBE contractors and the Center for Veterans Enterprise certified SDVOBEs to fulfill their own SDP expenditure benchmarks. M/WBE and SDVOBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

Unless otherwise specified in the RFR, the following SDP forms are required to be submitted by the deadlines noted below in order to meet the mandatory participation requirements of the SDP:

SDP Plan Form #/Name	Submitted By	When Submitted
SDP Plan Form #1 – SDP Plan Commitment	All Bidders	With Bid Response
SDP Plan Form #2 – Declaration of SDP Partners	Newly Awarded Contractors	Within 30 days of contract execution
SDP Plan Form #3 – SDP Spending Report	Contractors	Within 45 days of the end of each quarter

Supplier Diversity Program (SDP) Resources:

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found at: www.mass.gov/sdp
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division's SDO webpage at: www.mass.gov/sdo
- The Operational Services Division's Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found at: <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/osd-events-and-training/osd-training-and-outreach.html>. In addition, the SDP Webinar can be located on the SDP website at www.mass.gov/SDP.

Supplier Diversity Program Subcontracting Policies. In addition to the Subcontracting Policies (See Subcontracting Policies section below and see Section 9, Subcontracting By Contractor, in the Commonwealth Terms and Conditions) that apply to all subcontracted services, agencies may define specific required deliverables for a contractor's SDP Plan, including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Business Enterprises (SDVOBE) for the purpose of monitoring and enforcing commitments made in a contractor's Supplier Diversity Program (SDP) Plan.

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Strategic Sourcing Team or SST (formerly referred to as Procurement Management Team or PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SST and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through COMMBUYS.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. *Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department that issued the RFR. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

- 1) The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
- There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Operational Services Division, Legal, Policy and Compliance Office, Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the Operational Services Division shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Operational Services Division shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current on COMMBUYS the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the SST, including requests for clarification. The SST and the Commonwealth assume no responsibility if a prospective

bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the SST to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osc) page (www.mass.gov/osc). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The SST will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In the event that paper submissions are required and in an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all required paper responses that are submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non-reusable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Executive Order # 509 Guidance](http://www.mass.gov/osc).

Filing Requirements. *Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the

department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Quote (Bid Response) Duration. Bidders Quotes made in response to this Bid must remain in effect for at least 90 days from the date of quote submission.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found as an attachment for this Bid on [COMMBUYS](#). Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the SST. The SST will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The SST reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.